S.B. CIVIL MISC. APPLICATION NO.13/2005

Smt. Chandra Kanta Ben vs. Umiya Shanker

Date : 25.5.2005

HON'BLE MR. PRAKASH TATIA, J.

By Post.

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Perused the representation received from the Court of Additional District Judge (Fast Track) No.1, Dungarpur dated 6.1.2005 for seeking extension of time for deciding the suit afresh.

The learned Additional District Judge (Fast Track) No.1, Dungarpur informed that S.B. Civil First Appeal No.111/1995 was decided by this Court on 29.4.2004 and direction was given to the parties to appear before the Court on 5.7.2004. The learned Additional District Judge (Fast Track) No.1, Dungarpur informed that the record of the case was received by the District Court, Dungarpur on 9.9.2004, therefore, 5 months have been consumed by High Court in sending the record to the concerned court.

The learned Additional District Judge (Fast Track) No.1, Dungarpur further informed that the District Judge, Dungarpur took four months' time and thereafter sent the file to the Court of Additional District Judge (Fast Track) No.1, Dungarpur, therefore, even from the date of receipt

of file to the Court of learned Additional District Judge (Fast Track) No.1, Dungarpur, only two months time was left for deciding the suit. During this period, the affidavits of two witnesses were filed but because of the objection raised by the counsel for the defendant for putting exhibit mark on the documents, further evidence was not recorded. The trial court, therefore, prayed that time may be extended for four months from 5.1.2005.

In the above facts, time for deciding the suit is extended upto 5.7.2005 as there will be summer break in the month of June, 2005.

Copy of this order may be sent to the Registrar General, Rajasthan High Court, Jodhpur to look into the matter why the record was not sent to the trial court in time as it appears from the endorsement made below the order of this Court dated 29.4.2004 that the date of dispatch has been given as 12.8.2004.

Accordingly, this application is disposed of.

(PRAKASH TATIA), J.

S.Phophaliya